IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.311 OF 2006

Jawaharlal M. Chavan ...Applicant
Vs.
The State of Maharashtra ...Respondent

Shri Anand S. Kulkarni for the Applicant.
Shri S.R.Shinde, A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATE : AUGUST 17, 2006.

P.C.:

1. Heard the Advocate appearing for the Applicant. The Applicant is an accused in a Special Case pending before the learned Adhoc Additional Sessions Judge, Solapur. An Application was made by the Applicant under section 311 of the Code of Criminal Procedure, 1973 for recalling three witnesses who were already examined. The said Application was opposed by the State and by the impugned judgment and order dated 19th July, 2006 the learned Trial Judge has rejected the said Application.

2. The learned Advocate appearing for the Applicant relying upon the decision in the case of Aeltemesh Rein Vs. The State of Maharashtra (1980 CRI.L.J. 858) submitted that even if case is posted

for judgment the Trial Court had jurisdiction to recall witnesses by exercising power under section 311 of the said Code of 1973. He submitted that certain questions were not asked in the cross-examination of the three witnesses which was conducted by another advocate appearing for the Applicant. He submitted that in the interest of justice, opportunity should have been given by the learned Trial Judge by recalling the said three witnesses.

3. I have considered the submissions made by the learned Advocate appearing for the Applicant. There cannot be any dispute about the proposition of law laid down in the decision cited by the learned Advocate for the Applicant. Perusal of the Application under section 311 of the said Code of 1973 made by the Applicant shows that the same is very vague. The learned Trial Judge while rejecting the Application has noted that the Application was made at a stage when the case was fixed for arguments on behalf of the Applicant. It is noted in the order that the Application was made by an Advocate who is third Advocate appointed by the Applicant. The learned Trial Judge after perusal of the notes of

evidence has noted that all the witnesses have been cross-examined by the Advocate for the Applicant and the original complainant has been subjected to searching cross-examination.

4. In this view of the matter, no case is made out for interference. Revision Application is rejected.

JUDGE